APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,140	12/13/2000	Andrew J. Fish	042390.P9468	9123

7590 06/22/2005	EXAMINER	
Kenneth B. Paley	TRUONG, LECHI	
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12400 Wilshire Boulevard	2194	
Los Angeles, CA 90025-1026		

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/737,140	FISH ET AL.
	Examiner	Art Unit	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 April 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-27 are represented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims **1, 2, 5, 6, 10, 11, 14, 15, 19, 20, 23, 24** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Provino et al (US. Patent 5,732,282) in view of Kang (US. Patent

6,064,368).

3.   **As to claim 1,** Provino teaches the invention substantially as claimed including: a

processor (processor 11, col 2, ln 35-65), first computer system units (virtual device drives,

generally identified by reference numeral 22, col 3, ln 15-38/ fig. 2), receiving information

(information, calling information, registered information col 3, ln 15-38, col 4, ln 21-42),

memory (registration 20, col 3, ln 35-65/ col 4, ln 21-42/ registration data base, col 5, ln 45-50/

fig. 2), second computer system unit (application program and other virtual device drivers, col 3,

ln 15-38/col 4, ln 21-42), an initial request(call information request, col 1, ln 54-67/ request, col

4, ln 1-12/ calling program, col 3, ln 35-65/ the call, col 4, ln 21-42), said received information

stored in said memory before the receipt of said request /subsequent to said request (after

registering with the registry 20, the virtual device drivers are available for call by calling

programs, col 3, ln 35-65/ After abating the call information, the applications program or calling

virtual device driver can call the virtual device driver directly, col 3, ln 35-38/A registered

information supply element responds to call information request from the application program,

col 1, ln 64-67). When the virtual device 21 registers with the registry 20, the registry 20 stores

the name and calling information in the registry 20 (col 3, ln 48-53). After that, this calling

information is provided for call by the application program (col 3, ln 27-31). In the second "

registration phase 41, the registration 20, create an entry including identifier and calling

information. Next the third " operation" phase 42, the registration 20 provides the calling

information in response to a request from an application programs (col 4, ln 1-11/ Fig. 3).

Therefore, the received information stored in memory before the receipt on initial request.

4.   Provino does not explicit use the BIOS routine for receiving and transmitting the

information, the information comprises at least one of error information, status information, and

configuration information. However, Kang teaches the BIOS (the interface controller 70

including an interface BIOS, col 3, ln 65-67/ the key board controller 30, col 6, ln 44-48), at least

one of status information and configuration information (the key code data corresponding to the

radio signal, col 3, ln 43-47/ the data, col 6, ln 43-47/ key code data, col 4, ln 44-48), the use the

BIOS routine for receiving and transmitting the information (col 1, ln 32-35/ ln 60-65/ col 2, ln

50-56/ col 3, ln 44-46/ col 4, ln 44-48/ col 6, ln 44-47/ col 8, ln 18-25).

5.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Provino and Kang because Kang 's the BIOS routine for

receiving and transmitting the information, the information comprises at least one of error

information, status information, and configuration information would improve the efficiency of

Provino's system by providing the BIOS for controlling the input data from external input device.

6.   **As to claim 2,** Kang teaches unit information, system information, error information, status information, configuration information, and event information, error information, status information, configuration information event information (the key code data corresponding to the radio signal, col 3, ln 43-47/ the data, col 6, ln 43-47/ key code data, col 4, ln 44-48).

7.   **As to claim 5,** Provino teaches the received information in a memory is according to a time of receipt of said information (at the initialization, the virtual device driver registering with the registry 20, col 3, ln 15-38).

8.   **As to claim 6,** Provino teaches the receiving information stored in the memory before a receipt of said request (after registering with the registry 20, the virtual device driver are available for call by calling program, col 3, ln 15-38).

9.   **As to claims 10,** 11, 14, 15, 19, 20, 23, 24, they are an apparatus claims of claims 1, 2, 4, 5, 6; therefore, they are rejected for the same reasons of claims 1, 2, 4, 5, 6 above.

10.   Claims **3, 4, 12, 13, 21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al (US. Patent 5,732,282) in view of Kang (US. Patent 6,064,368), as applied to claim 1 above, and further in view of PI (Persistor CF1 User's Manual BIOS Management Calls).

11.   **As to claims 3, 4,** Provino teaches information (information, calling information, col 3, ln 15-38, col 4, ln 21-42).

12.   Provino and Kang do not teach an API for the receiving and providing information.

However, PI teaches an API for the receiving and providing information (BIOSAPI, Page 4 of 7

and 5 of 7).

13.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Provino, Kang and PI because PI's BIOSAPI would

increase the use of Provino and Kang's systems by making computer system BIOS initialization

more consistent with the operating environment.

14.   As to claims 12, 13, 21, 22, they are apparatus claims of claims 3, 4; therefore, they are

rejected for the same reasons as claims 3, 4 above.

15.   Claims **7, 8, 9, 16, 17, 18, 25, 26, 27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Provino et al (US. Patent 5,732,282) in view of Kang (US. Patent 6,064,368),

as applied to claim 1 above, and further in view of OSR (Using The NT Registry for Driver

Install).

16.   As to claim 7, Provino teaches information (information, calling information, col 3, ln

15-38, col 4, ln 21-42).

17.   Provino and Kang do not teach a sequence number and an absolute time. However, OSR

teaches a sequence number and an absolute time (Type value, start value, section: the keys,

required values).

18.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Provino, Kang and OSR because OSR's Type value, start

value, section would improve the efficiency of Provino and Kang's systems by allowing the

system be able to correctly find, load and start a device.

19.   As to claim 8, OSR teaches a categorized subset of all said received information (group,

section: group).

20.   As to claims 9, 16-18, 25-27, they are apparatus claims of claims 7, 8, 9; therefore, they

are rejected for the same reasons as claims 7, 8, 9 above.

Response to the argument:

29.   Applicant amendment filed on 04/08/2005 has been considered but they are not
persuasive:

Applicant argued in substance that :

(1) " Provino and Kang do not teaches or suggest in response to said request at least one

of said received information stored in said memory berore the received request at least one of

said received request if any is stored as claimed ".

(2) "Provino make no suggeation that the BIOS routine be used for receiving and

transmitting information comprising at least one of error information, status information, status

information, and configuration information ".

30.   Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Provino teaches after registering with the registry 20, the virtual

device drivers are available for call by calling programs, col 3, ln 35-65/ After abating the call

information, the applications program or calling virtual device driver can call the virtual device

driver direcly, col 3, ln 35-38/A registered information supply element responds to call

information request from the application program, col 1, ln 64-67). When the virtual device 21

registers with the registry 20, the registry 20 stores the name and calling information in the

registry 20 (col 3, ln 48-53). After that, this calling information is provided for call by the

application program (col 3, ln 27-31). In the second " registration phase 41, the registration 20,

create an entry including identifier and calling information. Next the third " operation" phase 42,

the registration 20 provides the calling information in response to a request from an application

programs, col 4, ln 1-11/ Fig. 3. Therefore, the received information stored in memory before the

receipt on initial request.

As to the point (2), Kang teaches the key code data corresponding to the radio signal (col

3, ln 43-47/ the data, col 6, ln 43-47/ key code data, col 4, ln 44-48). Kang also teaches Kang

teaches the interface controller 70 including an interface BIOS (col 3, ln 65-67/ the key board

controller 30, col 6, ln 44-48). Kang teaches executing the BIOS routine to provide the

information in response to the request. Provide teaches stored information before the information

is provided in response to the request.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 20, 2005

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